

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SM

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/712,654 11/14/00 GUPTA

R ECB-0010

EXAMINER

IM22/0605

ESTELLE C BAKUN
EXXONMOBIL RESEARCH AND ENGINEERING COMP
P O BOX 900
CLINTON TOWNSHIP
ANNANDALE NJ 08801-0900

RIDLEY, B

ART UNIT

PAPER NUMBER

1764

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/712,654

Applicant(s)

GUPTA ET AL.

Examiner

Basia A Ridley

PR

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 26 February 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner. *by examiner*

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to under 37 CFR 1.74 because it does not contain a brief description of the drawings. Applicant is reminded that the disclosure shall contain a brief description of all drawing figures in addition to a detailed description of all drawing figures. Applicant's attention is directed to previously cited USP 5,160,513, which shows an example of brief description of all drawing figures (C3/L15-24) followed by a detailed description of all drawing figures (C3/L25-C5/L57). Also, applicant's attention is directed to 37 CFR 1.74, which states:

"When there are drawings, there shall be a brief description of the several views of the drawings and the detailed description of the invention shall refer to the different views by specifying the numbers of the figures and to the different parts by use of reference letters or numerals (preferably the latter)." Emphasis added.

Appropriate correction is required. No new matter shall be added.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 26 February 2001, have been approved by the examiner.

Claim Rejections - 35 USC § 112

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim(s) 9-11 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant(s) regard(s) as the invention.

Art Unit: 1764

Claim(s) 9 recite(s) the limitation(s) "the pressure drop across said top layer", line(s) 5-6. There is insufficient antecedent basis for said limitation(s) in the claim(s). While the claim(s), in line(s) 4-5, does establish antecedent basis for "a pressure drop across said fixed bed of catalytic material", said claim(s) do/does not establish antecedent basis for "pressure drop across said top layer".

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim(s) 9-11 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Mackley (USP 3,469,950).

Regarding claim(s) 9, Mackley disclose(s) a similar method for operating a fixed bed reactor, comprising the sequential steps of:

- introducing said feedstock into said fixed bed of catalytic material, wherein a majority of said feedstock will flow through said top layer of said fixed bed of catalytic material (C2/L35-73); and
- as said top layer of said fixed bed of catalytic material fouds, bypassing an increasing amount of said feedstock to said bottom layer of said fixed bed of catalytic material (C2/L35-73).

Regarding claim(s) 10-11, Mackley disclose(s) the method for operating a fixed bed reactor, wherein:

- said feedstock is selected from the group consisting of liquid feed, vapor feed and mixtures thereof (C1/L32-40);

Art Unit: 1764

- said feedstock is selected from the group consisting of hydrocarbon feedstocks, chemical feedstocks, and mixtures thereof (C1/L32-40).

Response to Arguments

6. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia A Ridley, whose telephone number is (703) 305-5418. The examiner can normally be reached on Monday through Thursday, from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode, can be reached on (703) 308-4311.

The fax phone number for Group 1700 is (703) 305-3599 (for Official papers after Final), (703) 305-5408 (for other Official papers) and (703) 305-6078 (for Unofficial papers). When

Art Unit: 1764

filing a fax in Group 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Basia A Ridley *BR*
Examiner
Art Unit 1764

BR
June 2, 2001

Hien Tran
HIEN TRAN
PRIMARY EXAMINER